

# Senate Study Bill 3181

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
BUSINESS AND LABOR  
RELATIONS BILL BY  
CO=CHAIRPERSON DEARDEN)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the statute of limitations for making claims  
2 for workers' compensation medical benefits.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
4 TLSB 6482SK 81  
5 av/je/5

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1 1 Section 1. Section 85.26, Code 2005, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 1A. If benefits are provided by an  
1 4 employer to an employee pursuant to section 85.27 and no  
1 5 weekly compensation is paid to the employee within six months  
1 6 of the date that such benefits were first provided, the  
1 7 employer shall notify the employee in writing that if the  
1 8 employee does not file an original notice or petition for an  
1 9 original proceeding claiming such benefits under this chapter,  
1 10 or chapter 85A, 85B, or 86, within two years from the date of  
1 11 the occurrence of the injury for which the benefits are  
1 12 claimed, the employee will lose the right to claim the  
1 13 benefits and the benefits will no longer be provided by the  
1 14 employer after that date. The notice shall be sent to the  
1 15 employee by certified mail no later than twelve months after  
1 16 the date that the benefits were first provided to the  
1 17 employee. The notice shall specify the date by which the  
1 18 original proceeding must be filed by the employee to preserve  
1 19 the employee's claim for the benefits. The burden of proof is  
1 20 on the employer to show that notice was provided to an  
1 21 employee as required by this section. If the employer fails  
1 22 to provide notice as required by this section, the employee is  
1 23 entitled to maintain an original proceeding claiming such  
1 24 benefits for a period of one year after receiving such notice.

### EXPLANATION

1 26 This bill relates to the statute of limitations for making  
1 27 claims for workers' compensation medical benefits.  
1 28 The bill provides that if medical benefits are provided by  
1 29 an employer pursuant to Code section 85.27 and no weekly  
1 30 compensation is paid to the employee within six months after  
1 31 such benefits are first provided, the employer must notify the  
1 32 employee in writing that if the employee does not file an  
1 33 original proceeding claiming such benefits under workers'  
1 34 compensation laws, within two years from the date of the  
1 35 occurrence of the injury for which the benefits are claimed,  
2 1 the employee will lose the right to claim the benefits and the  
2 2 benefits will no longer be provided by the employer after that  
2 3 date.  
2 4 The notice must be sent to the employee by certified mail  
2 5 no later than 12 months after the date that the medical  
2 6 benefits were first provided to the employee. The notice  
2 7 shall specify the date by which the original proceeding must  
2 8 be filed by the employee to preserve the employee's claim for  
2 9 the benefits. The burden of proof is on the employer to show  
2 10 that notice was provided to an employee as required by the  
2 11 bill. If the employer fails to provide the required notice,  
2 12 the employee is entitled to maintain an original proceeding  
2 13 claiming medical benefits for a period of one year after  
2 14 receiving such notice.  
2 15 LSB 6482SK 81

